

UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

IN RE: STEVEN A. RUHL
JANET P. RUHL

Debtors.

Bk. Case No. 10-10928 TMW
CHAPTER 7

MOTION FOR RELIEF FROM THE AUTOMATIC STAY
AND FOR ABANDONMENT OF PROPERTY
AND BRIEF IN SUPPORT THEREOF

The Bank of New York Mellon Trust Company, National Association, as Grantor Trustee of the Protium Master Grantor Trust formally held by Sutton Funding LLC and serviced by Barclays Capital Real Estate Inc. dba HomEq Servicing, its successors and assigns, ("Movant" herein) alleges as follows:

1. That on or about February 25, 2010, the Debtors filed a Chapter 7 Petition in Bankruptcy with this Court.

2. Movant is the current payee of a mortgage note secured by a mortgage of the same date upon property generally described as follows:

LOT SIX (6), IN BLOCK TWENTY-SEVEN (27), OF WILLOW CREEK
ESTATES ADDITION NO. FOUR, AN ADDITION TO OKLAHOMA CITY,
OKLAHOMA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED
PLAT THEREOF

PROPERTY ADDRESS: 12120 Moritz Court, Oklahoma City, OK 73162

3. Movant is informed and believes, and, based upon such information and belief, alleges that title to the subject property is currently vested in the name of Debtors.

4. There is currently due an unpaid principal balance of \$192,970.65, plus interest at 5 percent per annum from February 1, 2009 plus late charges.

5. Movant alleges that there is insufficient equity in the property to be of any value to the estate and that the property is burdensome; that Movant is not adequately protected; that the subject property is not necessary to an effective reorganization or rehabilitation, and that it would be unfair and inequitable to delay this secured creditor in the foreclosure of its interest. Therefore, cause exists to provide relief from the automatic stay and abandonment.

6. That Bankr. Rule 4001(a)(3) is not applicable and if this Motion is granted, Movant should be allowed to immediately enforce and implement the order granting relief from the automatic stay.

7. This Court has jurisdiction of this action pursuant to the provisions of Title 28 U.S.C. Section 157(b)(2)(G) and 11 U.S.C. Section 362(d).

8. In accordance with the Fair Debt Collection Practices Act, unless the consumer, within thirty days after receipt of this notice, disputes the validity of any portion of the debt, the debt will be assumed valid. If said consumer notifies the undersigned attorney for Plaintiff in writing within said thirty day period that any portion of the debt is disputed, said attorney will obtain verification of the debt and/or judgment and a copy of such verification will be mailed to said consumer by the undersigned attorney for Plaintiff; and upon written request by the consumer within the thirty day period, the undersigned attorney for Plaintiff will provide the name and address of the original creditor, if different from the current creditor. This is an attempt to collect a debt and any information obtained will be used for that purpose.

WHEREFORE, Movant prays as follows:

(1) For an Order granting relief from the automatic stay, abandoning the property from the bankruptcy estate and allowing Movant to commence and/or complete foreclosure

proceedings under applicable state law, including all necessary actions to obtain possession of the property.

(2) For an Order determining that Bankruptcy Rule 4001(a)(3) is not applicable and Movant is allowed to immediately proceed to enforce and implement the Order granting relief and abandonment.

(3) For such other relief as this Court deems appropriate.

Any objection or request for hearing must include specific code and/or Case Law references, and must be filed within eighteen (18) days from the mailing of this Motion. Unless an objection is timely filed, the Court will grant relief requested pursuant to 11 U.S.C. Section 102(1)(b)(i).

SHAPIRO & CEJDA, L.L.P.

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CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 9th of July, 2010, the foregoing pleading was mailed via U.S. Mail, first class, postage prepaid to the following parties, to-wit: Steven A. Ruhl and Janet P. Ruhl, 12120 Moritz Court, Oklahoma City, OK 73162, (Debtors). Further, I certify that a true and correct copy of the foregoing pleading was electronically served on the 9th of July, 2010, using the CM/ECF system to the following parties: David Michael Roberts, (Attorney for Debtors), Douglas N. Gould, (Trustee).

s/Kirk J. Cejda
Kirk J. Cejda #12241

File No. 09-103322